

REMARKS

Claims 1-18, 23-34, 38 and 39 are currently pending in the subject application and are presently under consideration. Claims 1, 8, 15, 24, 25, 27, 28, 31, 38, and 39 have been amended as shown on pp. 2-6 of the Reply. Claims 19-22 and 35-37 are canceled as directed to non-elected inventions as shown on pp.4 and 6. Claim 9 is also canceled as shown on p. 3.

Examiner Wang is thanked for the courtesies extended to Applicant's representative Larry M. Kasoff in a telephone interview of May 31, 2007.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 30 and 34 Under 37 CFR § 1.75(c)

Claims 30 and 34 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner believes the computer-readable medium can be infringed without infringing the associated method claim. According to the Examiner, one can copy and sell the computer-readable medium without actually executing the code stored on the medium. Therefore, according to the Examiner, the dependent computer-readable medium claims fail the infringement test. Applicants disagree.

The MPEP states:

The fact that the independent and dependent claims are in different statutory classes does not, in itself, render the latter improper. Thus, if claim 1 recites a specific product, a claim for the method of making the product of claim 1 in a particular manner would be a proper dependent claim since it could not be infringed without infringing claim 1. Similarly, if claim 1 recites a method of making a product, a claim for a product made by the method of claim 1 could be a proper dependent claim. On the other hand, if claim 1 recites a method of making a specified product, a claim to the product set forth in claim 1 would not be a proper dependent claim since it is conceivable that the product claim can be infringed without infringing the base method claim if the product can be made by a method other than that recited in the base method claim. MPEP § 608.01

Thus, although a product made by a method can be sold and used by a person without that person directly performing the method of producing the item, it is nonetheless a proper dependent claim off of an independent method claim. Specifically, it does not matter that the person infringing the product claim potentially is not a direct infringer.

Similarly, computer-readable medium claims 30 and 34 are also proper dependent claims despite the fact that a person can make copies and sell the computer-readable medium without directly infringing the method claim. In particular, Applicants can find no conceivable way the computer-implemented method of the associated independent claims can be performed without executing computer executable instructions, whether in hardware or software, for performing that method and Examiner fails to explain why he believes this is possible.

Thus, Applicants request withdrawal of this objection.

II. Objection to Claim 24 for Informalities

Claim 24 is objected to because the claim does not end with a period. Claim 24 has been amended to end with a period. Thus, this objection should be withdrawn.

III. Rejection of Claims 7, 24 and 25 Under 35 U.S.C §112

Claims 7, 24 and 25 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Dependent claim 7 recites the aspect “the configuration information” even though there is insufficient antecedent basis for that aspect. Independent claim 1, as amended, recites, “the persisted information comprising configuration information and dependency information.” Thus, there is now a sufficient antecedent basis for “the configuration information” in claim 7, which depends from claim 1. Accordingly, Applicants request withdrawal of this rejection.

Claim 24 recites the aspect “the settings” in “the settings comprising types ...” even though there is insufficient antecedent basis for that aspect. Claim 25 depends on claim 24 and has been rejected for the same deficiency. Claim 24, as amended, recites, “wherein a namespace comprises metadata on settings comprising types, attributes, and

user context, the namespace further comprising ~~an~~ instance values of the settings.” Thus, there is no longer an insufficient antecedent basis for “the settings.” Accordingly, this rejection should be withdrawn.

IV. Rejection of Claim 38 Under 35 U.S.C. § 112

Claim 38 is rejected under 35 U.S.C. § 112, second paragraph as failing to set forth the subject matter which Applicants regard as their invention. In particular, the Examiner has indicated that the claim is incomplete because it is omitting essential steps. The omitted steps, according to the Examiner, are there that are no details about the assertion engine component or the legacy handler component.

Claim 38, as amended, recites, “the assertion engine component facilitates administration of a validation rule by the configuration service component, and the legacy handler component facilitates synchronization with a legacy store including a registry.” Thus, details about the assertion engine and the legacy handler component are recited. Accordingly, this rejection should be withdrawn.

V. Rejection of Claims 1-7, 10-14, 16, 18, 23-25, and 27-34 Under 35 U.S.C. §102(b)

Claims 1-7, 10-14, 16, 18, 23-25, and 27-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Keller, et al. (U.S. 2004/0049509). For at least the reasons given below, Applicants traverse.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Claim 1, as amended, recites “a configuration store that stores persisted information associated with an application, the persisted information comprising *configuration information and dependency information*; and, a configuration service component that manages access to the configuration store, *the configuration service*”

component employing security at per-setting granularity.” Keller does not teach these aspects. Keller teaches a method and apparatus for managing dependencies in distributed systems, not configuration information *and* dependency information. Furthermore, Keller does not teach security at the per-setting level. Thus, claim 1 is allowable over Keller.

Claims 2-7 and 10-14, 16, 18, and 23-25 depend on claim 1 and are allowable for at least the same reasons as claim 1.

Claim 27, as amended, recites, “a local cache that at least temporarily stores changes to configuration information associated with an application, *the configuration information comprising information other than dependency information*; and a configuration engine that facilitates communication of the changed configuration information stored in the local cache to a configuration service component.” Keller does not teach doing this for configuration information, as oppose to dependency information.

In particular, the resource dependency repository 225 does not contain configuration. “The resource dependency repository 225 contains the inventory of the hardware and software components of every managed resource 220 and the dependency information on a per-resource basis (i.e., the dependencies between the components within a managed resource 220).” ¶0098. Thus, for at least these reasons, claim 27 is allowable.

Claim 28, as amended, recites “receiving a manifest associated with an application, the manifest comprising configuration information and dependency information, registering the manifest; and, storing at least some of the manifest *configuration* information in a configuration store.” Keller does not teach these aspects. In particular, Keller does not teach storing configuration information from the manifest. Claims 29-and 30 depend on claim 28 and are allowable for at least the same reasons as claim 28.

Claim 31, as amended, recites “providing a manifest, the manifest associated with *configuration information and dependency information* of a first application; and, accessing a *configuration*_setting of an application *via* a configuration service component.” Keller does not teach these aspects. As previously stated, Keller addresses accessing dependency information via the resource dependency repository 225,

not configuration settings. Claims 32-34 depend on claim 31 and are allowable for at least the same reasons as claim 31.

VI. Rejection of Claim 39 Under 35 U.S.C. §102(b)

Claim 39 stands rejected under 35 U.S.C. §102(b) as being anticipated by Hellerstein, et al. (U.S. 2002/0129356). For at least the reasons below, this rejection should be withdrawn.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Claim 39, as amended, recites, “*means for facilitating administration of a validation rule; and means for synchronizing the means for storing configuration information with a legacy store including a registry.*” Hellerstein does not teach these aspects. Accordingly, this rejection should be withdrawn.

VII. Rejection of Claims 8, 9, 15, and 38 Under 35 U.S.C. §103(a)

Claims 8, 9, 15, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller, et al. (U.S. 2004/0049509) in view of Olmeda, et al. (U.S. 2002/0147972). Claim 9 has been canceled. For at least the reasons below, this rejection should be withdrawn.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation

of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 8, as amended, recites, "The system of claim 1, the configuration service component facilitating access to a legacy store, *the legacy store comprising a registry*." The Examiner admits Keller does not teach or suggest the legacy store, little less a legacy store comprising a registry. Olmeda does not teach a legacy store comprising a registry. Thus, the combination of Keller and Olmeda does not teach, suggest, or motivate a legacy store comprising a registry.

Claim 15, as amended, similarly recites, "The system of claim 1, further comprising a legacy handler that facilitates synchronization of the system with a legacy store, *the legacy store comprising a registry*," and is allowable for similar reasons.

Claim 38, as amended, also similarly recites, "the legacy handler component facilitates synchronization with *a legacy store including a registry*," and is allowable for similar reasons.

VIII. Rejection of Claim 17 Under 35 U.S.C. §103(a)

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Keller, et al. (U.S. 2004/0049509) in view of Eager, et al. (U.S. 5,960,200). For at least the reasons below, claim 7 is allowable.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 17 recites, "wherein the configuration service component employs at least one of ACL-based security and role-based security *are provided at per-setting granularity*." Examiner has admitted that Keller does not teach or suggest this aspect and instead relies on Eager. However, Eager does not teach this aspect either. Applicants note that the use of "are" instead of "is" connotes that both types of security are provided at the per-setting granularity. The Examiner cites col. 21, lines 37-43, which is copied below for ACL-based security at per-setting granularity:

At the data layer 140 level, security functions manage access control lists (ACL), which enable application administrators to set up a hierarchy of user types for controlling access to application resources.

Eager does not disclose ACL-based security *at per-setting granularity*. Instead, Eager merely states ACL-based security is used generally to control access to application resources. Eager does not state the level of granularity. Thus, claim 17 is allowable over the combination of Keller and Eager.

IX. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Keller, et al. (U.S. 2004/0049509) in view of Bondarenko, et al. (U.S. 2004/0083479). For at least the reasons below, this rejection should be withdrawn.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references

when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 26 depends on claim 1. As discussed *supra*, Keller does not teach the “employing security on a per-setting granularity” aspect of claim 1. Bondarenko does not correct this deficiency. Therefore, the combination does not teach, suggest or motivate claim 26.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP529US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
Amin, Turocy & Calvin, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

Amin, Turocy & Calvin, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731